



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

COPY MAILED

JAN 11 2008

OFFICE OF PETITIONS

In re Application of
Eric Kauffman et al.
Application No. 10/799,892
Filed: March 15, 2004
Attorney Docket No. 250049US6YA

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a proper reply to the Office letter mailed September 25, 2006, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 27, 2006. The Notice of Abandonment was mailed April 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

A refund in the amount of \$2,160 for the fifth month extension of time mistakenly filed will be credited to deposit account 15-0030.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 11/740,195.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

Liana Walsh
Petitions Examiner
Office of Petitions

DOCKET NO: 250049US6YA

RECEIVED
CENTRAL FAX CENTER

MAY 03 2007

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

ERIC KAUFFMAN, ET AL.

: EXAMINER: JARRETT, S.

SERIAL NO: 10/799,892

FILED: MARCH 15, 2004

: GROUP ART UNIT: 3623

FOR: SERVICE ACTIVITY
MANAGEMENT SYSTEM AND
METHOD FOR SEMICONDUCTOR
MANUFACTURING EQUIPMENTREQUEST FOR REFUND UNDER 37 C.F.R. §1.26(a)COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313ATTN: REFUND SECTION,
FINANCIAL ACCOUNTING DIVISION
OFFICE OF FINANCE

SIR:

Applicants herein request a refund under 37 C.F.R. §1.26(a) of the fees paid for the fifth one-month extension of time filed April 25, 2007, in the above-identified application, copies of which are enclosed with a Electronic Acknowledgement Receipt indicating the filing thereof.

Applicants submit that the petition for a fifth one-month extension of time was mistakenly filed on April 25, 2007, and therefore the fee submitted therewith should be refunded.

Refund Ref:
01/10/2008 0030048986

Credit Card Refund Total: \$2160.00

Am Exp.: XXXXXXXXXXXX1003

Application No. 10/799,892

Reply to Notice of Abandonment of April 16, 2007

RECEIVED
CENTRAL FAX CENTER
MAY 03 2007BACKGROUND FACTS

1. On August 21, 2006, Applicants herein filed a Request for Continued Examination along with a petition for a second month extension of time;
2. The Applicants' representative received a case-specific, non-regular U.S.P.T.O. communication of which mailing date is September 25, 2006. The communication required the Applicants under 37 C.F.R. §1.105 to provide the specified information. A copy of the communication is attached as Attachment I;
3. A required reply was filed by the undersigned petitioner as continuation application No. 11/740,195 on April 25, 2007. Concurrently, a petition for a five month extension was filed in this application. A copy of the petition and Electronic Acknowledgement Receipt is attached as Attachment II; and
4. However, the Request for Information under 37 C.F.R. §1.105 had a statutory due date of March 25, 2007, and thus the present application was unintentionally abandoned on March 25, 2007. A Notice of Abandonment was issued in this application on April 16, 2007. A copy of this Notice is attached as Attachment III.

REMARKS

Under 37 C.F.R. §1.26(a), any fee paid by mistake will be refunded. Applicants submit that the fifth one-month extension of time out of the five month extension of time (Attachment II) was filed mistakenly in this application.

As the present application was unintentionally abandoned on March 25, 2007, the filing of the petition for a fifth one-month extension on April 25, 2007 was not necessary, moot, and therefore, a mistake.

Application No. 10/799,892

Reply to Notice of Abandonment of April 16, 2007

Applicants therefore respectfully submit that a refund of \$570.00 for the fifth one-month extension of time filed April 25, 2007 is justified under 37 C.F.R. §1.26(a), and that any refund granted be credited to Deposit Account No. 15-0030.

Furthermore, if the Refund Section has any further concerns, they are invited to contact the undersigned directly at 703-413-2779.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NBUSTADT, P.C.

Edward Tracy

Steven P. Weihrouch
Attorney of Record
Registration No. 32,829

Edward Tracy
Registration No. 47,998

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413-2220

(OSM&N 06/04)

1:ATTYMET250049US250049US REQ FOR REFUND 5-2-07.DOC

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>01/07/08</u>		2 Serial/Patent # <u>10/799,892</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
<input checked="" type="checkbox"/>	Extension of Time		04/25/07	\$ 2,160.00
	Notice of Appeal/Appeal			\$
	Petition			\$
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
			7 TOTAL AMOUNT OF REFUND	
			\$ 2,160.00	
8 TO BE REFUNDED BY:				
10 REASON:		Treasury Check		
		Credit Deposit A/C #:		
		<div style="border: 1px solid black; display: inline-block; padding: 2px;"> 1 5 0 0 3 0 </div>		
<input checked="" type="checkbox"/>	Overpayment	<i>Credit Card</i>		
	Duplicate Payment			
<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
There was no extension needed.				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Terri-Williams</u>		TITLE: <u>Paralegal Specialist</u>		
SIGNATURE: <u><i>Terri Williams</i></u>		PHONE: <u>(571) 272-2991</u>		
OFFICE: <u>Office of Petitions</u>				

THIS SPACE RESERVED FOR FINANCE USE ONLY:				
APPROVED: <u><i>CKH</i></u>		DATE: <u>1/10/08</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: